

**Notice of Allowability****Application No.**

10/597,416

**Applicant(s)**

WEEKAMP ET AL.

**Examiner**

Jordan M. Schwartz

**Art Unit**

2873

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 3/5/2009.
2. ☒ The allowed claim(s) is/are 1,3-11 and 14-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/19/09
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Jordan M. Schwartz/  
Primary Examiner, Art Unit 2873

Allowed Claims: 1, 3-11, 14-18.

***Examiner's Amendment/Reasons for Allowance/Examiner's Comments***

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dicran Halajian on May 19, 2009.

The application has been amended as follows:

1. Claim 4, line 3, delete "capable of functioning" and insert therein – configured to function--;
2. Claim 5, lines 23-24, delete "capable of functioning" and insert therein – configured to function--;
3. Claim 7, lines 25-27, delete "wherein the aligning means comprise an annular positioning member provided on the cover capable of functioning as a lens" and insert therein --wherein one of the covers is configured to function as a lens and wherein the aligning means comprise an annular positioning member provided on said cover—;
4. Claim 11, lines 22-23, delete "capable of functioning" and insert therein –configured to function--;
5. Claim 11, line 24 delete "capable of";

6. Cancel claim 13;
7. Claim 17, line 19, change "sealing means" to –sealing rings--;
8. Claim 18, line 19, change "sealing means" to –sealing rings--; and
9. Claim 18, line 25, change "the annular positioning member" to –one of the covers--.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 1 and 16, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens package specifically including, as the distinguishing feature in combination with the other limitations, the clamping means or clamping unit contacting at least one of the electrically conducting surface of the body and the electrically conducting fluid. Specifically, with reference to independent claims 5, 11 and 17, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens package specifically including, as the distinguishing features in combination with the other limitations, at least one of the covers configured to function as a lens and this cover comprising a glass base plate and a plastic lens body attached to the base plate. Specifically, with reference to independent claim 7, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens package specifically including, as the distinguishing features in combination with the other limitations, one of the covers configured to function as a lens and the

claimed aligning means comprising an annular positioning member provided on this cover. Specifically, with reference to independent claim 10, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens package specifically including, as the distinguishing features in combination with the other limitations, the claimed clamping means and at least one expansion member which is partially flexible and which is part of a circumscription of the fluid chamber wherein the expansion member is capable of compensating for variations of volume of fluids by keeping a pressure prevailing inside the fluid chamber at a substantially fixed level and the expansion member comprising the claimed sealing means. Specifically, with reference to independent claim 18, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens package specifically including, as the distinguishing features in combination with the other limitations, an annular positioning member provided on at least one of the covers for aligning the at least one of the covers with respect to the meniscus between the electrically insulating fluid and the electrically conducting fluid, and wherein one of the covers is configured to function as a lens.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is 571-

272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
May 21, 2009

/Jordan M. Schwartz/  
Primary Examiner, Art Unit 2873